

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 11, 2005**

G032767 THE PEOPLE
v.
TRENTON MICHAEL VECES

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G033409 THE PEOPLE Not for publication
v.
CHARLES DAVID WATSON

Opinion filed. Judgment affirmed.

Fybel, J.

We concur: Bedsworth, Acting P.J.
Moore, J.

G033413	THE BALBOA BAY CLUB, INC. v. JOHN HOWARD, as Trustee, etc.	Not for publication
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Opinion filed. Judgment reversed and remanded.

We concur: Sills, P.J.
Ikola, J.

Aronson, J.

G033837 THE PEOPLE Not for publication
v.
WILLIAM JOHN HORNER

Opinion filed. Judgment affirmed.

Aronson, J.

We concur: O’Leary, J.
Ikola, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 11, 2005 (Cont'd)**

G033879 TIMOTHY W. SCHULZ, JR. Not for publication
v.
NEOVI DATA CORPORATION, et al.

Opinion filed. Judgment affirmed in part, reversed and remanded in part.
Rylaarsdam, Acting P.J.

We concur: Bedsworth, J.
Fybel, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 12, 2005**

G032783 THE PEOPLE

Not for publication

v.

JEFFREY ALLEN NEWLAND

Opinion filed. Judgment affirmed as modified.

Rylaarsdam, Acting P.J.

We concur: Bedsworth, J.
Moore, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 13, 2005**

G031933 OSCAR S. BUGARINI et al.
 v.
 SALOMON SMITH BARNEY, INC., et al.

Order filed. The primary issue herein is presently pending in *Jevne v. Superior Court*, review granted March 17, 2004, S121532. The court notes that oral argument was heard on March 8, 2005, and that a decision appears imminent. Therefore, submission of this case is hereby vacated. Within 30 days after the Supreme Court files its decision, each party may file an informal letter brief as to the effect of the decision on the pending case. The case shall be resubmitted at the end of that 30-day period.

O’Leary, Acting P.J.

We concur: Aronson, J.
 Ikola, J.

G032194 PATRICK J. SCHACHLE
 v.
 MERRILL LYNCH, PIERCE,
 FENNER & SMITH et al.

Order filed. The primary issue herein is presently pending in *Jevne v. Superior Court*, review granted March 17, 2004, S121532. The court notes that oral argument was heard on March 8, 2005, and that a decision appears imminent. Therefore, submission of this case is hereby vacated. Within 30 days after the Supreme Court files its decision, each party may file an informal letter brief as to the effect of the decision on the pending case. The case shall be resubmitted at the end of that 30-day period.

O’Leary, Acting P.J.

We concur: Aronson, J.
 Ikola, J.

G033803 DAVID LEIJA
 v.
 PACIFIC EARTHWORKS, INC. et al.

Not for publication

Opinion filed. Judgment affirmed.

Rylaarsdam, Acting P.J.

We concur: Bedsworth, J.
 Moore, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 13, 2005 (Cont'd)**

G034385 ORANGE COUNTY SOCIAL
SERVICES AGENCY
v.
IVONNE S.

Opinion filed. Orders affirmed in part and dismissed in part.
Sills, P.J.
We concur: Rylaarsdam, J.
Moore, J.

G034876 RITA L. et al. Certified for publication
v.
THE SUPERIOR COURT OF
ORANGE COUNTY;
ORANGE COUNTY SOCIAL
SERVICES AGENCY et al.

Opinion filed. Petition granted.
Bedsworth, Acting P.J.
We concur: Moore, J.
Fybel, J.

G035236 TUONG NGUYEN et al.
v.
MINH X. NGUYEN et al.

Order filed. The court has reviewed appellant's brief in response to this court's order filed March 29, 2005. On the court's own motion, and for good cause, the appeal filed on March 10, 2005 is dismissed as it appears to be taken from a nonappealable order.
Sills, P.J.

G034515 THE PEOPLE
v.
DAVID ALLEN BEAVER

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 14, 2005**

G032321 THE PEOPLE
 v.
 ROBERT ERIN DARLING

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G032439 THE PEOPLE
 v.
 STEVEN DANIEL MILLER

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G032825 THE PEOPLE
G033844 v.
 BINH TAHNH LUONG

Order filed. On the court's own motion and for good cause submission in this matter is vacated. In accordance with Rule 23(e)(1) of the California Rules of Court, the matter will be resubmitted after the Supreme Court issues its opinion in *People v. Black*, S126182, and the parties have had an opportunity to file letter briefs addressing the effect, if any, of the Supreme Court's decision on the issues raised in this appeal. Any supplemental letter briefs must be filed with this court no later than 30 days after the Supreme Court files its opinion in *Black*.

Aronson, J.

We concur: Sills, P.J.
 O'Leary, J.

G033350 CAROL GREGUREK
 v.
 ROLAND GILBERT FABBRIE

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 14, 2005 (Cont'd)**

G034335 ORANGE COUNTY SOCIAL Not for publication
 SERVICES AGENCY
 v.
 D.E.

Opinion filed. Judgment affirmed.

Fybel, J.

We concur: Sills, P.J.
 O'Leary, J.

G034607 THE PEOPLE
 v.
 ALFREDO AGUILAR MENDOZA

Order filed. The above entitled cause is ordered submitted this date.
Sills, P.J.

G034627 THE PEOPLE Not for publication
 v.
 AL LAGUNA, JR.

Opinion filed. Judgment affirmed.

Bedsworth, Acting P.J.

We concur: Moore, J.
 Fybel, J.

G034776 ORANGE COUNTY SOCIAL
 SERVICES AGENCY
 v.
 URSULA P.

Order filed. The above entitled cause is ordered submitted this date. (Cal.
Rules of Court, rule 37.4(g)(3).)

Sills, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 15, 2005**

G032834 THE PEOPLE
 v.
 MELVIN LARRY NEIGHBORS

Order filed. Pursuant to rule 23(e)(1), California Rules of Court, submission of the above matter is hereby vacated to order the Attorney General to file a responsive letter brief by April 29, 2005, and Appellant to file a reply letter brief by May 13, 2005, addressing the following issues raised in the reply brief and at oral argument:

1. Is the act of unlawfully drawing and exhibiting a deadly weapon with the intent of resisting and preventing arrest, as alleged in count 2 of the amended information, necessarily rude or threatening within the meaning of Penal Code section 417, subdivision (a)(1)? Why or why not?

2. Is the misdemeanor offense of brandishing under Penal Code section 417, subdivision (a)(1) a lesser included offense of the charged felony violation of section 417.8 (count2), under the accusatory pleading test in light of the specific allegations of the amended information? Why or why not?

The matter will be resubmitted on May 13, 2005.

By the Court

Before Moore, Acting P.J., and Fybel, J.

G033883 COUNTY OF ORANGE
 v.
 SIRIUS AMERICA INSURANCE COMPANY

Order filed. The above entitled cause is ordered submitted this date.

Sills, P.J.

G035136 In re KAREN LANETTE HAYES
 On
 Habeas Corpus

Not for publication

Opinion filed. Petition granted.

By the Court

Before Rylaarsdam, Acting P.J., Moore, J. and Fybel, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 15, 2005 (Cont'd)**

G035140 In re EDWARD LEON MARTINEZ Not for publication
 On
 Habeas Corpus

Opinion filed. Petition granted.

By the Court

Before Rylaarsdam, Acting P.J., Moore, J., and Fybel, J.

G033175 THE PEOPLE Not for publication
 v.
 JUAN MANUAL GARCIA ROBLES,
 MICHAEL VARELA

Opinion filed. Judgment affirmed.

Ikola, J.

We concur: O’Leary, Acting P.J.
 Aronson, J.

G035327 In re NEFTALY ZAMORANO Not for publication
 On
 Habeas Corpus

Opinion filed. Petition granted.

By the Court

Before Bedsworth, Acting P.J., Moore, J., and Fybel, J.